ORDINANCE NO. 5247 -N.S.

ESTABLISHING A PREFERENTIAL PARKING PROGRAM IN THE CITY OF BERKELEY.

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. LEGISLATIVE PURPOSE.

This Ordinance is enacted in response to the serious adverse effects caused certain areas and neighborhoods of Berkeley by motor vehicle congestion, particularly the long-term parking of motor vehicles on the streets of such areas and neighborhoods by nonresidents thereof. As set forth in more specific detail in Section 2 of this Ordinance, such long-term parking by nonresidents threatens the health, safety and welfare of all of the residents of Berkeley. In order to protect and promote the integrity of these areas and neighborhoods, it is necessary to enact parking regulations restricting unlimited parking by nonresidents therein, while providing the opportunity for residents to park near their homes. Uniform parking regulations restricting residents and nonresidents alike would not serve the public interest, rather such regulation would contribute to neighborhood decline while ignoring the public transit alternatives to automobile travel available to nonresidents. For the reasons set forth in this Ordinance, a system of preferential resident parking is enacted hereby for the City of Berkeley.

Section 2. LEGISLATIVE FINDINGS.

a. General Finding.

The City Council finds as a result of public testimony, evidence generated by both professional urban planning studies and derived from other sources, that the continued vitality of Berkeley depends on the preservation of safe, healthy and attractive neighborhoods and other residential areas therein. The Council further finds that one factor that has detracted from the

safety, health and attractiveness of neighborhoods and other residential areas of the City is the excessive and burdensome practice of nonresidents of certain areas and neighborhoods parking their motor vehicles for extended periods of time therein. Since there is in Berkeley at any one time a large surplus of motor vehicles over available on and off-street parking spaces, this condition detracts from a healthy and complete urban environment. A system of preferential resident parking will serve to reduce a number of strains on residents of the City and thus promote the general public welfare.

b. Specific Findings.

The following specific legislative findings of the City Council in support of preferential resident parking are set forth as illustrations only and do not exhaust the subject of the factual basis supporting its adoption:

(1) The safety, health and welfare of the residents of Berkeley can be greatly enhanced by maintenance of the attractiveness and livability of its neighborhoods and other residential areas.

(2) A large portion of Berkeley residents possess automobiles and as a result are daily faced with the need to store these automobiles in or near their residences.

(3) Certain neighborhoods and areas of Berkeley do not have sufficient on or off-street space to accommodate the convenient parking of motor vehicles by residents thereof in the vicinity of their homes. To the extent that such facilities do exist, the program set forth herein is designed to encourage the maximum feasible utilization of off-street parking facilities.

(4) Such areas as described in (3) above are often further burdened by influxes of motor vehicles owned by nonresidents which compete for the inadequate available on-street parking spaces.

(5) There further exist certain parking "attractors" within Berkeley, such as hospital and university complexes, employment centers, and locations convenient for commute parking, which further exacerbate resident parking problems.

(6) Unnecessary vehicle miles, noise, pollution, and strains on interpersonal relationships caused by the conditions set forth herein work unacceptable hardships on residents of these neighborhoods and other residential areas by causing the deterioration of air quality, safety, tranquility and other values available in an urban residential environment.

(7) If allowed to continue unchecked, these adverse effects on the residents of Berkeley will contribute to a further decline of the living conditions therein, a reduction in the attractiveness of residing within Berkeley, and consequent injury to the general public welfare.

(8) The system of residential permit parking as enacted by this Ordinance will serve to promote the safety, health and welfare of all the residents of Berkeley by (a) reducing unnecessary personal motor vehicle travel, noise, and pollution, and (b) promoting improvements in air quality, the convenience and attractiveness of urban residential living, and the increased use of public mass transit facilities available now and in the future.

Section 3. DEFINITIONS.

a. "Designated Residential Parking Permit Area" shall mean any contiguous area upon which the Council imposes parking limitations pursuant to the authority granted by this Ordinance.

b. "Nonresident vehicle" shall mean a motor vehicle not eligible to be issued a residential parking permit, pursuant to the terms and conditions of this Ordinance, for the specific area in which it is parked.

c. "Parking Permit" shall mean a permit issued under this Ordinance which, when displayed upon a vehicle, as described herein, shall exempt said vehicle from parking time restrictions established pursuant to this Ordinance.

d. "One day visitor permit" shall mean a parking permit issued pursuant to this Ordinance which shall exempt the vehicle from parking time restrictions established pursuant to this Ordinance or an ordinance enacted pursuant to authority granted herein, for the date indicated upon the face of said permit.

e. "14 day visitor permit" shall mean a parking permit issued pursuant to this Ordinance or an ordinance enacted pursuant to authority granted herein, which shall exempt the vehicle from parking time restrictions established pursuant to this Ordinance for a period of 14 days, beginning upon the date indicated upon the face of said permit.

f. "Motor Vehicle" shall include an automobile, truck, motorcycle or other motor driven form of transportation not in excess of 8,000 pounds gross weight.

Section 4. PERMIT PARKING EXEMPTION.

a. A motor vehicle on which is displayed a valid residential parking permit as provided for herein shall be permitted to stand or be parked in the residential permit parking area for which the permit has been issued without being limited by time restrictions established pursuant to this Ordinance. Any vehicle which does not display such permit shall be subject to the preferential parking regulation and consequent penalties in effect for such area.

b. A residential parking permit shall not guarantee or reserve to the holder thereof an on-street parking space within the designated residential permit parking area.

c. This Ordinance shall not be interpreted or applied in a manner which shall abridge or alter regulations established by authority other than this

Ordinance.

Section 5. DESIGNATION OF A RESIDENTIAL PERMIT PARKING AREA.

a. The City Council shall consider for designation as a residential permit parking area any proposed area for which an application has been submitted which meets and satisfies the following requirements:

(1) The application shall contain a description or a map showing the proposed residential permit parking area.

(2) Said description or map shall be followed in the application by the following statement: "We, the undersigned, are residents of the proposed residential permit parking area described in this petition. We understand that, if this area is designated as a residential permit parking area, certain restrictions will be placed upon onstreet parking within the designated area; that residents of the area and their visitors will be eligible to obtain permits exempting them from such parking restrictions; that the annual fee for a residential parking permit shall be $20.00 for the first permit issued to a resident of a residential address and $30.00 for each additional permit issued to that resident and/or to each additional resident of the same address; that fees for visitor permits shall be $0.50 for each one day visitor permit, and $2.00 for each 14 day permit; and that a 50% discount on applicable fees will be granted to persons meeting low income criteria established by the Director of Finance. We the undersigned hereby request that the Council of the City of Berkeley consider this application for establishment of the above described area as a 'preferential parking area'."

(3) The aforementioned statement shall be followed by a signature, printed name, address, and date of signing of the application by a number of adult residents including at least 60% of the housing units in the proposed area and not less than 30% of the housing units along each block front within the area.

(4) The proposed residential permit parking area must include at least 14 block fronts and at least 80% of the block fronts must be residentially zoned, and at a minimum, 75% of all unlimited on-street parking spaces within the proposed area must be occupied during any two one-hour periods between 10:00 a.m. and 4:00 p.m.

b. Upon receipt by the City Council of an application as described in subsection a. of this Section, the Council shall:

(1) Undertake or cause to be undertaken such surveys or studies which it deems necessary.

(2) Cause to be drafted an ordinance which would establish a preferential parking area based upon the aforementioned application and studies, including any regulations and time restrictions determined by the Council to be reasonable and necessary in such area.

c. The Council shall thereafter conduct a public hearing on said draft ordinance. Notice of the hearing shall be posted at least ten days prior to the hearing on all block fronts proposed to be included in the preferential parking area. Following the hearing, the City Council may enact, amend or reject said draft ordinance in any manner, including, but not limited to, modification of boundaries of the proposed area and the restrictions imposed on such proposed area.

Section 6. MODIFICATION AFTER DESIGNATION OF A RESIDENTIAL PERMIT PARKING AREA.

After holding a public hearing with notice as provided in Section 5, the City Council may, by appropriate ordinance amendment, modify a designated residential permit parking area in any manner not inconsistent with this Ordinance.

Section 7. ISSUANCE OF PERMITS.

a. Residential parking permits shall be issued by the Department of Finance in accordance with requirements set forth in this Ordinance. Each such permit shall be designed to state or reflect thereon the identification of the par-

ticular residential permit parking area for which it is issued. No more than one residential parking permit shall be issued to each motor vehicle for which application is made.

b. The Department of Finance is authorized to issue such rules and regulations, not inconsistent with this Ordinance, governing the issuance and display of residential parking permits.

Section 8. RESIDENTIAL PARKING PERMITS.

a. The Department of Finance shall issue residential parking permits with a term of one year to motor vehicles which comply with the requirements set forth in this section.

b. A residential parking permit may be issued for a motor vehicle only upon application of the following person:

(1) The applicant must demonstrate that he or she is currently a resident of the area for which the permit is to be issued; and

(2) The applicant must demonstrate that he or she has ownership or continuing custody of the motor vehicle for which the permit is to be issued.

c. A residential parking permit may in addition be issued for any vehicle in the area regularly utilized by a person who owns or leases commercial property and actively engages in business activity within the particular residential permit parking area. However, no more than one parking permit, or any greater number which the City Council may determine appropriate for the particular residential permit parking area involved, may be issued for each business establishment for a motor vehicle registered to or under the control of such a person.

d. In addition, a residential parking permit may be issued for any vehicle regularly utilized in the area by a nonresidential nonbusiness enter-

prise, such as a church, school or hospital, located wholly or partially within the particular residential permit parking area. However, no more than one parking permit, or any greater number which the City Council may determine appropriate for the particular permit parking area involved, may be issued for each such enterprise within each such permit area for a motor vehicle registered to or under the control of such an enterprise.

e. Any person to whom a residential parking permit has been issued pursuant to this Section shall be deemed a permit holder.

Section 9. VISITOR PERMITS.

a. The Department of Finance shall issue visitor permits in accordance with this Section. A visitor permit shall be of limited duration, but shall otherwise grant to the holder thereof all the rights and privileges of a regular residential parking permit. Visitor permits shall be of two types:

(1) One day visitor permits; and

(2) 14 day visitor permits.

b. A visitor permit shall clearly display the date upon which it becomes effective, the license number of the vehicle for which it applies, the name of the permit holder, the signature of the permit holder, and shall designate the particular residential permit parking area for which it applies.

c. A one day visitor permit shall, during the date indicated upon the face of said permit, exempt the applicable vehicle from parking time restrictions established pursuant to this Ordinance.

d. A 14 day visitor permit shall, for the period of 14 days commencing upon the date indicated upon the face of said permit, exempt the applicable vehicle from parking time restrictions established pursuant to this Ordinance.

e. The Department of Finance is authorized to establish rules and regulations, not inconsistent with this Ordinance, concerning the issuance and

display of blank visitor permits to permit holders.

f. An eligible applicant for a visitor permit shall be any person eligible to obtain a residential parking permit pursuant to criteria set forth in Section 8 of this Ordinance.

Section 10. POSTING OF RESIDENTIAL PERMIT PARKING AREA.

Upon the adoption by the City Council of an ordinance designating a residential permit parking area, the Director of Public Works shall cause appropriate signs to be erected in the area, indicating prominently thereon the time limitation, period of the day for its application, and conditions under which permit parking shall be exemept therefrom.

Section 11. PARKING PERMIT FEES.

The annual fee for a residential parking permit shall be $20.00 for the first permit issued to a resident of a residential address and $30.00 for each additional permit issued to that resident and/or to each additional resident of the same address. The fees for visitor permits shall be $0.50 for each one day visitor permit, and $2.00 for each 14 day permit. A 50% discount on applicable fees will be granted to persons meeting low income criteria established by the Director of Finance.

Section 12. PENALTIES.

a. It shall be unlawful and shall constitute a violation of this Ordinance for any person to stand or park a motor vehicle without a current permit properly displayed at a curb within a preferential parking area for a period of time exceeding the time limitation established by the City Council for such area. Said violation shall be punishable by revocation of any permit currently held by such person and a fine not exceeding $10.00. Motor vehicles identified as used by disabled persons meeting the requirements of Section 22511.5 of the California Vehicle Code shall be exempt from this subsection.

b. The following acts shall be punishable by a fine not exceeding $500.00:

(1) For any person to falsely represent himself or herself as eligible for a parking permit or to furnish false information in an application therefor.

(2) For any person holding a valid parking permit issued pursuant hereto to permit the use or display of or to use or display such permit on a motor vehicle other than that for which the permit was issued.

(3) For any person to copy, reproduce or otherwise bring into existence a facsimile or counterfeit parking permit or permits without written authorization from the Department of Finance.

(4) For any person to knowingly use or display a facsimile or counterfeit parking permit in order to evade time limitations on parking applicable in a residential permit parking area.

(5) For any person to knowingly commit any act which is prohibited by the terms of this Ordinance or any ordinance enacted by authority granted by this Ordinance.

Section 13. SEVERABILITY.

The provisions of this Ordinance are severable and if any provision, clause, sentence, subsection, section, word or part hereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity, or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, sections, words or parts of the section or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, section, word or part had not been included therein, or such person or circumstance to which the Ordinance or part thereof is held inapplicable had been specifically exempted therefrom.

Section 14. POSTING.

Copies of this Bill are hereby ordered published by posting with the vote thereon for two (2) days at the ten (10) prominent places in the City of Berkeley as designated by Chapter 1.08 of the Berkeley Municipal Code.

At a regular meeting of the Council of the City of Berkeley, held on the twenty-sixth day of February, 1980, this Bill was passed to print and ordered published by posting by the following vote:

Ayes: Councilmembers Dean, Denton, Fukson, Hone and President Newport.

Noes: Councilmembers Feller, McDonald and Segesta.

Absent: Councilmember Davis.

ATTEST: EDYTHE CAMPBELL
City Clerk and Clerk of the Council

In effect: April 24, 1980

CITY OF BERKELEY
RESIDENTIAL PERMIT PARKING PROGRAM

ADMINISTRATIVE RULES AND REGULATIONS GOVERNING THE ISSUANCE AND DISPLAY OF RESIDENTIAL PARKING PERMITS

I. Authority

Pursuant to Section 7 or Ordinance No. 5247-N.S. establishing a Preferential Parking Program in the City of Berkeley, the following rules and regulations relating to the issuance and display of residential parking permits and the administration and enforcement of these rules and regulations are adopted by the Director of Finance. These rules will be subject to amendment from time to time.

II. Applicant Eligibility Criteria

The Department of Finance may issue a residential parking permit for a motor vehicle only upon application of legal residents, an individual who owns or leases commercial property situated in the area, to visitors of legal residents in the area.

A. Residential and Business Permits

A legal resident of the residential parking permit area is an individual who has a motor vehicle registered in his/her name or who has a motor vehicle for his/her exclusive use and under his/her control. In order to qualify as a legal resident of the residential parking permit area, an individual must furnish basic proof of residency consisting of a valid driver's license and a valid automobile registration, each showing the individual's residence address in the residential parking permit area.

If an individual is unable to furnish basic proof of residency, the License and Collection Supervisor may make an exception and substitute information in Sections 1 and 2 below, in addition to vehicle registration, as in lieu proof (the expiration date of the vehicle registration will be recorded and a valid registration showing residential address in area at first renewal of permit following expiration date will be required):

1. Valid lease/rental agreement showing area address or letter from manager or legal owner of residence stating that applicant lives at stated address in parking area, and

2. Current bill, personal check, or bank statement addressed to individual at the parking area address stated on application.

A new resident to the area may be granted a maximum of two 14 day permits with either 1 or 2 above along with a valid vehicle registration. As above, the expiration date of the vehicle registration showing a residential address in the area will be required upon renewal of the permit.

When the second item of the in-lieu proof is available, they may purchase a regular residential permit.

A student temporarily residing in the residential parking permit area while attending school, but retaining a permanent address outside of the area must provide: a) a valid student identification card, and b) a letter signed by the manager or owner of the property where the student temporarily resides, attesting to students residence in area; and/or c) presentation of a lease agreement, current bill, personal check, or bank statement addressed to individual's home and parking permit area address.

A nurse or relative taking care of a resident of the parking permit area is required to present a written, signed statement from a physician that such care is required on a daily, full-time basis.

Exceptions to the above shall not be made for the following circumstances:

1) a property owner legally residing outside of parking permit area. (A visitors permit would be appropriate in this circumstance).
2) domestic help who work in households within the parking permit area but do, themselves, not live within the area.
3) a contractor who may send company trucks or automobiles to job sites within parking permit area.

The second principal type of eligible recipient of a parking permit is a person who owns or leases commercial property and actively engages in business activity within the parking permit area. In all instances, no more than one parking permit may be issued for each business establishment for a motor vehicle registered to or under the control of such a person. Berkeley Business License for the business located in permit area, a valid vehicle registration in name of owner or lessee, and a valid driver's license of the owner or lessee of the business.

B. Visitor Permits

A visitor's permit may be issued for a duration of either 14 days (a two-week permit) or one day (a one-day permit) from the date of issuance. Residents of the parking permit area are eligible to purchase a maximum of thirty (30) one-day and six (6) two-week permits during the annual permit year. The one-day permits may be purchased in advance of actual usage up to the maximum number permissable. The two-week permits may not be purchased in advance, i.e., only individually and as the need arises.

A legal resident of the parking permit area can obtain either a one-day or two-week visitors permit in person at the License and Collection Division of the Finance Department, City of Berkeley, 2180 Milvia Street, Berkeley, 94704, or by mail at this address.

When making application for a two-week permit either by mail or in person, the following information must be specified:

1) Date from which the permit is to be in effect,
2) Name, permanent address, and driver's license number of visitor,
3) License number, manufacturer and model type, and year of vehicle for which a visitor permit is being requested, and,

4) Name, residence address, telephone numbers of residence and business, permit number and signature of legal resident making request.

When in use, the visitor permit must be prominently and conspicuously displayed over the driver's side of the vehicle's dash board. The license plate number along with the date(s) the visitor permit is to be in effect must be written on the permit in ink or similiarly suitable indelible manner so as to be easily visible from the exterior of the vehicle.

III. Issuance of Permits

The Department of Finance will issue residential parking permits in conformance with the following procedures:

A. Permit Period

The annual period for which permits will be issued will be from October 1st to September 31st of the following calendar year.

B. Permit Purchase

The initial purchase of the annual residential parking permit may be made in person at the Department of Finance, City of Berkeley, during normal working hours of 8:00 a.m. to 5:00 p.m., Monday through Friday. Initial purchases must be made in person at the above location or at designated locations proximate to or within the residential parking permit area. The subsequent renewal of annual parking permits may be accomplished by mail.

Similiarly, initial purchases of the two-week and one-day visitor permit shall be made in person at the Department of Finance. Subsequent renewal of two-week permits may then be accomplished by mail.

C. Fee Structure

1. Annual Permit
The annual fee for a residential parking permit is $20.00 for the first permit issued to a resident of the area and $30.00 for each additional permit issued to that resident and/or each additional resident of the same address. Purchases of permits for periods of less than one year will be charged on a monthly pro-rated basis. Computations of the applicable fee will be based on the nearest whole month depending on the date of application. Renewal fee will be same as for initial permit fee.

2. Visitor Permits
The fees for visitor permits shall be $0.50 (fifty cents) for each one-day visitor permit issued and $2.00 for each 14 day permit.

3. Low Income Discount Provision
Individuals meeting low income criteria established herein are eligible for a 50 percent discount on the applicable fees established above. The following chart indicates the income categories within which applicants must fall in order to qualify for the discount.

Low-Income Discount Table 1.

Annual Income ($)	Family Size 1	2	3	4	5	6	7	8+
	8,200	9,360	10,550	11,700	12,650	13,550	14,500	15,450

1. Figures are ones used by U.S. Department of Housing and Urban Development to determine low-income eligibility for housing assistance programs.

IV. Annual Renewal Procedures

Residents may renew by mail providing they furnish basic proof of residency consisting of a valid driver's license and valid car registration, each showing the individual's residence address in the residential permit parking area.

The Department of Finance will send bulk rate self-mailer renewal notices to residents by September 1 of the year preceeding the permit application year.

In order to accomplish renewal by mail, residents must furnish the following:

a) Photocopy of valid drivers license which indicates address in permit parking area.
b) Photocopy of valid vehicle registration showing address in permit parking area.
c) Number of permit to be renewed.
d) Residence address and phone number.
e) Signature
f) Check or money order for the appropriate amount due, $20 for a first permit, and $30 each for each additional permit requested.

V. Permit Replacement

A permit may be reissued to a resident if, following the purchase and placement on the vehicle, either of the following circumstances occur:

A. The vehicle exhibiting the permit is sold, disposed of, or damaged in a manner so as to no longer be operable by the resident, or

B. The portion of the vehicle displaying the permit was damaged thereby destroying the permit beyond recognition.

In both instances, the resident requesting a replacement permit must provide valid evidence of either the disposition of the vehicle, through the State Department of Motor Vehicles documentation in circumstance A above, or demonstration of the replacement bumper in circumstance B.